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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2011-878

12 **SARAH LYNN PUTCHIO**  
13 **aka SARAH LYNN BARR**  
14 **806 Regal Road, Apt. K1**  
**Encinitas, CA 92024**

**A C C U S A T I O N**

15 **Registered Nurse License No. 575847**  
16 **Clinical Nurse Specialist Certificate No. 2976**  
17 **Nurse Practitioner Certificate No. 18236**  
**Nurse Practitioner Furnishing Certificate**  
**No. 18236**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
24 Consumer Affairs.

25 2. On or about January 9, 2001, the Board of Registered Nursing issued Registered  
26 Nurse License Number 575847 to Sarah Lynn Putchio, also known as Sarah Lynn Barr  
27 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
28 the charges brought herein and will expire on August 31, 2012, unless renewed.

3. On or about June 30, 2008, the Board of Registered Nursing issued Clinical Nurse Specialist Certificate Number 2976 to Respondent. The Clinical Nurse Specialist Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2012, unless renewed.

4. On or about June 27, 2008, the Board of Registered Nursing issued Nurse Practitioner Certificate Number 18236 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2012, unless renewed.

5. On or about March 30, 2009, the Board of Registered Nursing issued Nurse Practitioner Furnishing Certificate Number 18236 to Respondent. The Nurse Practitioner Furnishing Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2012, unless renewed.

## JURISDICTION

6. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

7. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

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1 13. Section 2762 of the Code states:

2 In addition to other acts constituting unprofessional conduct within the meaning  
3 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person  
licensed under this chapter to do any of the following:

4 . . . .

5 (b) Use any controlled substance as defined in Division 10 (commencing with  
6 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous  
7 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner  
8 dangerous or injurious to himself or herself, any other person, or the public or to the  
extent that such use impairs his or her ability to conduct with safety to the public the  
practice authorized by his or her license.

9 (c) Be convicted of a criminal offense involving the prescription, consumption,  
10 or self-administration of any of the substances described in subdivisions (a) and (b) of  
this section, or the possession of, or falsification of a record pertaining to, the  
11 substances described in subdivision (a) of this section, in which event the record of  
the conviction is conclusive evidence thereof. . . .

#### 12 REGULATORY PROVISIONS

13 14. California Code of Regulations, title 16, section 1444, states:

14 A conviction or act shall be considered to be substantially related to the  
15 qualifications, functions or duties of a registered nurse if to a substantial degree it  
16 evidences the present or potential unfitness of a registered nurse to practice in a  
manner consistent with the public health, safety, or welfare. Such convictions or acts  
shall include but not be limited to the following:

17 (a) Assaultive or abusive conduct including, but not limited to, those violations  
18 listed in subdivision (d) of Penal Code Section 11160.

19 (b) Failure to comply with any mandatory reporting requirements.

20 (c) Theft, dishonesty, fraud, or deceit.

21 (d) Any conviction or act subject to an order of registration pursuant to Section  
290 of the Penal Code.

22 15. California Code of Regulations, title 16, section 1445 states:

23 . . . .

24 (b) When considering the suspension or revocation of a license on the grounds  
25 that a registered nurse has been convicted of a crime, the board, in evaluating the  
rehabilitation of such person and his/her eligibility for a license will consider the  
26 following criteria:

27 (1) Nature and severity of the act(s) or offense(s).

28 (2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

#### **COSTS**

16. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### **FIRST CAUSE FOR DISCIPLINE**

##### **(October 28, 2004 Criminal Conviction for DUI on May 21, 2004)**

17. Respondent has subjected her license to disciplinary action under sections 490 and 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially related to the qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

a. On or about October 28, 2004, in a criminal proceeding entitled *People of the State of California v. Sarah Lynn Putschio*, in San Diego County Superior Court, case number CN179972, Respondent was convicted on her plea of guilty of violating Vehicle Code section 23152, subdivision (a), driving under the influence of alcohol, a misdemeanor. An additional count of violating Vehicle Code section 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of .08 or higher, was dismissed pursuant to a plea agreement.

b. As a result of the conviction, on or about October 28, 2004, Respondent was sentenced to 180 days in custody, suspended for five years on summary probation. Respondent was required to perform 10 days with the Public Service Work Program, with credit for one day. Respondent was further ordered to attend and complete a First Conviction Program and a MADD victim impact panel, pay \$2,000 in fees, fines, and restitution, and comply with the terms of DUI probation. Respondent's driver's license was restricted for 90 days.

1 c. The facts that led to the conviction are that on or about May 21, 2004,  
2 Respondent was arrested in San Diego County for operating a motor vehicle while under the  
3 influence of alcohol with a BAC of .21 percent.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(November 18, 2010 Criminal Conviction for DUI on August 8, 2010)**

6 18. Respondent has subjected her license to disciplinary action under sections 490 and  
7 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially  
8 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as  
9 follows:

10 a. On or about November 18, 2010, in a criminal proceeding entitled *People of the*  
11 *State of California v. Sarah L. Putschio*, in San Diego County Superior Court, case number  
12 CN281180, Respondent was convicted on her plea of guilty of violating Vehicle Code section  
13 23152, subdivision (a), driving under the influence of alcohol, a misdemeanor. Respondent  
14 admitted and the court found true the enhancement that Respondent was previously convicted of  
15 the same offense within 10 years, pursuant to Vehicle Code section 23540, as described in  
16 paragraph 17, above. An additional count of violating Vehicle Code section 23152, subdivision  
17 (b), driving with a blood alcohol concentration (BAC) of .08 or higher, was dismissed pursuant to  
18 a plea agreement.

19 b. As a result of the conviction, on or about November 18, 2010, Respondent was  
20 sentenced to 96 hours in jail and five years summary probation. Respondent was ordered to  
21 complete a Multiple Conviction Program, pay \$2,500 in fees, fines, and restitution, and comply  
22 with the terms of standard DUI probation.

23 c. The facts that led to the conviction are that on or about the early morning of  
24 August 8, 2010, a patrol deputy with the San Diego County Sheriff's Department observed  
25 Respondent driving in an erratic manner, veering to the right and left in her lane and almost  
26 colliding with another vehicle. The deputy conducted a traffic stop and while speaking to  
27 Respondent at her driver's side window, he noted an odor of an alcoholic beverage emitting from  
28 inside the vehicle. Respondent's eyes were reddened, watery, and glassy, and her eyelids were

1 droopy. The deputy directed Respondent to exit her vehicle and he asked her a series of pre-field  
2 sobriety test questions. He noted an odor of an alcoholic beverage on Respondent's breath and  
3 person. Respondent was not able to complete the field sobriety tests as explained and  
4 demonstrated by the deputy. Respondent was arrested for driving under the influence of alcohol.  
5 She provided breath samples which were analyzed with a BAC of .12 percent.

### 6 **THIRD CAUSE FOR DISCIPLINE**

#### 7 **(Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)**

8 19. Respondent has subjected her registered nurse license to disciplinary action under  
9 section 2762, subdivision (b) of the Code for unprofessional conduct in that on or about May 21,  
10 2004, and August 8, 2010, as described in paragraphs 17 and 18, above, Respondent used  
11 alcoholic beverages to an extent or in a manner that was potentially dangerous and injurious to  
12 herself and to others in that she operated a motor vehicle while under the influence of alcohol.

### 13 **FOURTH CAUSE FOR DISCIPLINE**

#### 14 **(Unprofessional Conduct - Conviction of Alcohol-Related Criminal Offenses)**

15 20. Respondent has subjected her registered nurse license to disciplinary action under  
16 section 2762, subdivision (c) of the Code for unprofessional conduct in that on or about October  
17 28, 2004, and November 18, 2010, as described in paragraphs 17 and 18, above, Respondent was  
18 convicted of criminal offenses involving the consumption and/or self-administration of alcohol.

### 19 **DISCIPLINARY CONSIDERATIONS**

20 21. To determine the degree of discipline, if any, to be imposed on Respondent for the  
21 violations alleged above, pursuant to California Code of Regulations, title 16, section 1445,  
22 Complainant alleges:

23 a. On or about April 15, 1993, in a criminal proceeding entitled *People of the*  
24 *State of Illinois v. Sarah L. Putchio*, in case number 1993CM000077D, Respondent was  
25 convicted on her plea of guilty of the charge of minor buying liquor with a false identification on  
26 March 23, 1993, a Class B misdemeanor. As a result of the conviction, Respondent was  
27 sentenced to supervision and payment of a fine.  
28

b. On or about April 15, 1993, in a criminal proceeding entitled *People of the State of Illinois v. Sarah L. Putschio*, in case number 1993OV000114D, Respondent was convicted on her plea of guilty of the charge of loitering in a dram shop (an establishment where alcohol is sold) on March 23, 1993, a Class B misdemeanor. As a result of the conviction, Respondent was sentenced to supervision and payment of a fine.

## PRAAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 575847, issued to Sarah Lynn Putchio, also known as Sarah Lynn Barr;
2. Revoking or suspending Clinical Nurse Specialist Certificate Number 2976, issued to Sarah Lynn Putchio;
3. Revoking or suspending Nurse Practitioner Certificate Number 18236, issued to Sarah Lynn Putchio;
4. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 18236, issued to Sarah Lynn Putchio;
5. Ordering Sarah Lynn Putchio to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
6. Taking such other and further action as deemed necessary and proper.

DATED:

4/25/11

for LOUISE R. BAILEY, M  
Executive Officer

LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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